

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

HARRY D. ALEXANDER,

Plaintiff,

v.

NURSE YOUNG and HEALTH SERVICES  
MANAGER GOODENOUGH, in their official  
and individual capacities,

Defendants.

Case No. 3:15-cv-05850-RBL-KLS

ORDER GRANTING DEFENDANTS'  
MOTION TO RE-NOTE MOTION FOR  
SUMMARY JUDGMENT

This matter comes before the Court on defendants' filing of a motion to re-note their motion for summary judgment. Dkt. 22. Defendants request their motion for summary judgment be re-noted to November 4, 2016, in light of plaintiff's late filing of his response.

On September 26, 2016, defendants filed their motion for summary judgment, noting the motion for October 28, 2016. Dkt. 15. Responses offered in opposition to motions for summary judgment "shall be filed and served not later than the Monday before the noting date," or "[i]f service is by mail, . . . shall be mailed not later than the Friday preceding the noting date." Local Rule LCR 7(d).

Plaintiff signed his response in opposition to defendants' motion on October 24, 2016 (Dkt. 21, p. 14), and it appears that response was not mailed until the next day (Dkt. 21-2, p. 1). Defendants' assert they did not receive plaintiff's response until October 27, 2016, and that is the date the Court received it as well. *See* Dkt. 21.

1           Given plaintiff's late filing of his response, the Court finds that re-noting the motion for  
2 summary judgment to November 4, 2016, is reasonable. Accordingly, defendants' motion to re-  
3 note the summary judgment motion hereby is GRANTED. Defendants shall have until November  
4 3, 2016, to file their reply to plaintiff's response.

5           DATED this 31st day of October, 2016.

6  
7  
8  
9             
10          Karen L. Strombom  
11          United States Magistrate Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26